

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT N. HARRINGTON, JR.)	CASE NUMBER 05-40115 FDS
Plaintiff,)	
)	
VS.)	
)	
JAMES M KREIDLER, JR. AND)	
THE TOWN OF WINCHENDON,)	
Defendants.)	

JOINT MOTION TO AMEND SCHEDULING ORDER

All parties respectfully move to amend the present scheduling order to allow an additional 3 months to complete discovery and extend all other dates accordingly. As ground therefore, the defendants and plaintiff state as follows:

1. This action arises out of the plaintiff's employment as Police Chief of the Town of Winchendon. A large number of documents has been produced in the course of discovery.
2. In addition to the present action, the plaintiff has an appeal pending before the Civil Service Commission. All parties are represented by other counsel in that action. The hearing took 6 days, and evidence closed on December 21, 2006. Twenty witnesses testified and 140 exhibits were introduced in that proceeding. Post-hearing briefs were submitted to the Civil Service Commission in early April. No decision has been issued by the Commission at the time of this writing.
3. The decision in the Civil Service case will have significant effects on the breadth and complexity of claims in this case. In light of the length of the hearing, waiting for a decision will save resources as it may eliminate the need for certain depositions in the instant case. In addition, the findings of the

Commission may have a significant effect on the determination of damages in this case, and could conceivably change the settlement posture of the entire matter.

4. The parties have propounded and completed written discovery but because of the ongoing Civil Service Commission hearing and scheduling conflicts due to trial schedules, an Appeals Court brief and vacation, the parties need additional time to conduct depositions.
5. Undersigned counsel for the defendant has taken over the handling of this matter within the last two weeks and requires additional time to review the voluminous documents produced by each side, in addition to the six days of Civil Service hearing transcripts in order to properly prepare for depositions.
6. In addition, counsel for the defendant is preparing a brief to the Appeals Court, due on July 20, 2007, in the matter of *Pasquale, et al. v. Casale et al.*, 2007-P-0455. This appeal is a significant project, in addition to counsel's already full litigation schedule, that will continue to demand a great deal of counsel's time until it is completed. This brief, plus a previously scheduled family vacation lasting from the third week of July to the first week of August, make it quite difficult for counsel to fully and fairly address the discovery issues in this case.
7. This request is made in good faith and is not advanced frivolously or to needlessly delay the resolution of this matter.

WHEREFORE, the parties respectfully request that this Honorable Court to amend the present scheduling order as follows:

1. All fact discovery, including written discovery, request for admissions and depositions, to be completed by September 28, 2007;

2. Plaintiff's and defendants' trial experts and any information contemplated by Fed.R.Civ.P. 26 (a)(2) disclosed, with depositions of trial experts by September 28, 2007;
3. Dispositive motions, including motions for summary judgment, partial motions for summary judgment and motions for judgment on the pleadings filed by December 3, 2007; and
4. A Pre-Trial Conference to be held in November 2007.

Respectfully Submitted,

The plaintiff,
By his attorney,

The defendants,
By their attorneys,

/s/ L. Richard LeClair, III
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Date: June 18, 2007